

1 pick up. We moved through about an hour quicker than --
2 or half an hour quicker than we thought. But not bad.
3 Better quicker than slower.

4 Remind you one more time, do not discuss the
5 case.

6 (Court in recess)

7

8 (Jury present)

9 THE COURT: All right. Thank you. You
10 may take your seats.

11 State call your next witness.

12 MS. MITCHELL: State calls Brenda Salinas.
13 Just for the record, it's Belinda.

14 THE BAILIFF: Witness needs to be sworn
15 in, Judge.

16 THE COURT: All right. Come right over
17 here. Raise your right hand for me.

18

19 BELINDA SALINAS,
20 the witness, having first been duly sworn, testified as
21 follows:

22 THE COURT: Okay, you may proceed.

23 DIRECT EXAMINATION

24 BY MS. MITCHELL:

25 Q Would you please introduce yourself to us?

1 A My name is Belinda Salinas.

2 Q Where are you currently employed?

3 A I'm employed by the Houston Forensic Science
4 Center.

5 Q And what do you do for them?

6 A I am -- my title is Criminalist.

7 Q And what are your duties and responsibilities with
8 that job?

9 A I'm a serologist so I typically screen for the
10 presence of bodily fluids. Typically blood or semen.

11 Q And did you have any specialized education or
12 training to become a criminalist?

13 A Well, I have a bachelor's of science in biological
14 sciences from the University of Houston Clear Lake as well
15 as I've had in-house training that the lab has provided
16 which include tests, written tests, also reading a lot of
17 forensic articles and an internship program there.

18 Q And how long have you been a criminalist?

19 A I've been there approximately two years.

20 Q Okay. Did you have an opportunity in this case to
21 examine evidence?

22 A Yes, I did.

23 Q What did you examine in this case?

24 A Can I look at my notes?

25 Q Sure. Absolutely.

1 A In this case, I received an envelope containing a
2 knife.

3 Q Okay. And how do you receive a request to examine
4 evidence?

5 A The way I receive evidence is I go to our evidence
6 technician and I submit a request for the evidence that I
7 need and she comes back and puts it in my designated shelf
8 in a secured location that we have in the crime lab and
9 then I put it into my custody.

10 Q Okay. And does an officer have to request
11 specifically for you to test something?

12 A Typically, yes, it's an officer that requests the
13 item.

14 Q Okay. And in this case, what were you requested
15 to test?

16 A In this case, I was requested to test Item 2, the
17 envelope containing knife.

18 Q Okay. And what specifically about the knife?

19 A In his request, he just says he wants screening
20 and latent print processing.

21 Q Okay. Do you do the latent print processing?

22 A No, I do not.

23 Q Okay. So what in this case did you do?

24 A In this case since I knew it was -- after I tested
25 it, it was going to go to the latent prints. I didn't

1 want to -- I didn't want to do anything that could
2 interfere with his testing, so all I tested was the blade
3 of the knife.

4 Q And what were you testing for on the blade?

5 A I was testing for blood, but I was also trying to
6 preserve any contact DNA that might be on the blade.

7 Q Okay. And when you test something for blood, what
8 is that test?

9 A In this case, I did a hematrace test which tests
10 for blood of human origin.

11 Q And how does that test work?

12 A The test works in this -- in the scenario that I
13 used it, I took a small piece of swab that I took from the
14 blade itself and put it into a buffer tube that comes with
15 the hematrace card. The piece of -- the piece of swab
16 goes into that buffer and then after that I put that tube
17 into a -- because you can -- if you can imagine like a
18 shaker full of water, the tube goes there. It shakes the
19 tube to try to loosen any bodily fluids that are there,
20 and after that, after a maximum of about 10 minutes, I
21 take a small sample of that fluid and put it into the
22 hematrace card which is like -- it works like a pregnancy
23 test, so a small quantity is placed into a small well.
24 The fluid goes up the card and then after a maximum of 10
25 minutes we read the card and it gives us the result.

1 Q Okay. And the results being what, whether there
2 is blood on there or not?

3 A The result would either tell us if it's negative
4 for blood of human origin or positive for blood of human
5 origin.

6 Q Okay. And when you took a swab in this case, did
7 you swab the entire blade or just a small portion of it?

8 A For this case, I swabbed both sides of the blade.

9 Q Okay. And was that the entire blade or just a
10 small portion of each side?

11 A It was the entire blade, side 1 and side 2.

12 Q Okay.

13 MS. MITCHELL: Your Honor, may I approach
14 the witness?

15 THE COURT: You may.

16 Q (BY MS. MITCHELL) I am approaching you with what
17 has been already entered into evidence as State's Exhibit
18 No. 48. 48A and then what has been premarked as State's
19 Exhibit 48B. Do you recognize this envelope?

20 A Yes, it's the envelope that a knife was contained
21 in.

22 Q Okay. And how do you know that you've handled
23 this envelope?

24 A Because it has my initials, the date that I opened
25 the item, the incident number or the case number that goes

1 with the item and also the item number.

2 Q Okay. And then this small envelope that has been
3 premarked as State's Exhibit 48B, what is that?

4 A That's the swab that I took from the blade of the
5 knife.

6 Q And how do you know that it's the swab that you
7 took?

8 A It has the item number, the case number and my
9 description -- the description of the swab.

10 Q Okay. And has it been sealed?

11 A Yes. It has my initials and the date on the back
12 of the evidence tape.

13 Q Okay. And has it been altered in any way that you
14 can tell?

15 A No, not that I can tell, no.

16 Q Okay.

17 MS. MITCHELL: Your Honor, at this time,
18 the State offers State's Exhibit 48B after tendering to
19 opposing counsel.

20 MR. POPE: No objections, Judge.

21 THE COURT: All right. What's that number
22 again?

23 MS. MITCHELL: 48B.

24 THE COURT: Okay. That's right. Got it.

25 MS. MITCHELL: Thank you.

1 Q (BY MS. MITCHELL) So in this case, were you able
2 to determine with your test whether it was, I guess,
3 presumptive for blood or not?

4 A The testing was a confirmatory test so it
5 confirmed that it was negative for blood.

6 Q So it was negative for blood?

7 A Correct.

8 Q Okay.

9 MS. MITCHELL: Your Honor, at this time --
10 I'm sorry, may I approach the witness?

11 THE COURT: Yes, ma'am.

12 Q (BY MS. MITCHELL) I'm showing you what's been
13 premarked as State's Exhibit 49. Do you recognize this?

14 A It looks like a copy of the report.

15 Q Okay. And is that your signature at the bottom?

16 A That's correct.

17 Q Okay. And is it a fair and accurate copy of that
18 report?

19 A Yes.

20 Q Okay. And it hasn't been altered in any way?

21 A No.

22 MS. MITCHELL: Okay. Your Honor, at this
23 time the State offers State's Exhibit No. 49 which is the
24 lab result.

25 MR. POPE: No objections, Judge.

1 THE COURT: It's admitted.

2 Q (BY MS. MITCHELL) Were any of the -- I guess a
3 portion of the swab that you took, was that sent on for
4 DNA testing?

5 A Yes, it was.

6 Q Okay. But you didn't do that test?

7 A No, I didn't.

8 MS. MITCHELL: Your Honor, at this time,
9 the State offers State's Exhibit No. 50 which is the DNA
10 test result. Defense counsel and I have spoken about it.

11 THE COURT: And do you have any objection
12 to 50, sir?

13 MR. POPE: No, Judge. We did talk --
14 well, there's no point in me telling you everything we
15 talked about.

16 THE COURT: Thank you.

17 MR. POPE: But no objections, Judge.

18 THE COURT: Okay.

19 MS. MITCHELL: May I publish to the jury
20 quickly?

21 THE COURT: Yes, ma'am.

22 MS. MITCHELL: Thank you.

23 Q (BY MS. MITCHELL) I'm showing the jury what's
24 been entered into evidence as State's Exhibit 50. This is
25 the lab result for the DNA. And it comes back that there

1 was no DNA found on the knife.

2 Pass the witness, Your Honor.

3 THE COURT: Okay. Cross, sir?

4 MR. POPE: Yes, Judge, briefly.

5

6 CROSS EXAMINATION

7 BY MR. POPE:

8 Q Good afternoon, ma'am. You said that you worked
9 on the blade because you were trying to preserve or
10 attempt to preserve what might be there for latent print
11 testing?

12 A That's correct.

13 Q Does it normally go to latent print testing before
14 it comes to you or is it random or how does that work
15 exactly?

16 A It's random because it depends who picks up the
17 item. But typically, if the latent officer would have
18 picked up the item first, they let us know so that we can
19 work it first so there is no contamination on the item.

20 Q So -- okay. So you were being careful with it to
21 preserve any print evidence that might be there; is that
22 correct?

23 A Correct.

24 Q But in general, it's best practice to go for
25 you -- to go to you so it's not contaminated in the case

1 of blood or DNA?

2 A One more time again, I'm sorry.

3 Q Well, in general, is the general practice is that
4 it's better for you to do it first so that latent print
5 guys don't contaminate any possible blood or DNA sample?

6 A That's correct.

7 Q Okay. And you don't know what any of the latent
8 print results were?

9 A No, I do not.

10 Q So the testing that you did and the DNA testing
11 that you sent out to have done, no human blood was found
12 and no DNA was found on the knife at all?

13 A All I know is the testing that I did, and the
14 testing was there was no blood of human origin on the
15 knife.

16 Q Did it test positive for any blood at all?

17 A No, it did not.

18 MR. POPE: No further questions, Your
19 Honor.

20 THE COURT: Any redirect?

21 MS. MITCHELL: No, Your Honor.

22 THE COURT: All right. Thank you, ma'am.
23 You may step down.

24 Please call your next witness.

25 MS. MITCHELL: The State calls Kirk

1 Miller.

2 THE BAILIFF: This witness needs to be
3 sworn, Judge.

4 THE COURT: Okay. All right, sir, if you
5 would raise your right hand.

6

7 KIRK MILLER,
8 the witness, having first been duly sworn, testified as
9 follows:

10 THE COURT: You may proceed when you're
11 ready.

12 DIRECT EXAMINATION

13 BY MS. MITCHELL:

14 Q Would you please introduce yourself to us?

15 A My name is Kirk Miller. I am with the Houston
16 Police Department under the management of the Houston
17 Forensic Science Center and I work with fingerprints.

18 Q And how long have you been in that area of the
19 crime lab?

20 A About six years.

21 Q And did you have any special training or education
22 to become part of the crime lab?

23 A I have an Associate's degree of applied science
24 from North Harris university and I also have a Bachelor of
25 Science degree in criminal justice from U of H, and I

1 received over a thousand hours of training, most recently
2 a 450-hour modular training course that covers evidence
3 processing, photography and report writing.

4 Q What do you do in your current position?

5 A I process evidence that is brought to our lab to
6 develop latent prints using various fingerprint powders,
7 chemicals and electronic method.

8 Q What is a latent print?

9 A It's a reproduction of the ridges of the hands or
10 feet and sweat or other substances on an object that it
11 touched. It's usually that's unable to be seen so it
12 requires processing either chemically or with powder to
13 make it visible.

14 Q And how do you go about making a latent print
15 visible?

16 A Well, first I look at the object that I receive
17 and I determine if it's a nonporous, porous or semi-porous
18 object. Nonporous being that water does not absorb into
19 it. Porous meaning water absorbs into it and semi-porous
20 meaning water will sit on the top of the surface for a
21 little while and then absorb into the surface over time.

22 Q And I guess what is the next step after you
23 determine the surface?

24 A Once I determine that the surface like in this
25 case was nonporous I then expose it to super glue fumes

1 and I then hit it with a fluorescent dye stain known as
2 fluoroamine 6G and look at it under a laser.

3 Q In this case, were you asked to I guess process
4 the evidence for latent prints?

5 A Yes.

6 Q And what item were you asked to process?

7 A I was asked to process a knife with a black
8 handle.

9 Q Okay. And so in this case, you said that it was a
10 nonporous surface?

11 A That is correct.

12 Q Okay. And what did you do once you received the
13 knife?

14 A I received it, like I said, I looked at the
15 evidence to determine the surface type and I began my
16 processes.

17 Q Okay. Were you able to develop any sort of prints
18 on that handle?

19 A No, I did not find any friction ridge detail.

20 Q And what does that mean?

21 A Friction ridge detail is the reproduction of the
22 ridges on hands and feet. And I did not find any detail
23 on the surface.

24 MS. MITCHELL: May I approach the bench,
25 Your Honor?

1 THE COURT: You may.

2 Q (BY MS. MITCHELL) I'm showing you what has been
3 premarked as State's Exhibit No. 51. Do you recognize
4 that?

5 A Yes, I do.

6 Q And what is that?

7 A It is a copy of the report that I wrote.

8 Q Is that a fair and accurate copy?

9 A Yes, it is.

10 Q Has it been altered in any way?

11 A No, it has not.

12 Q Is your signature on there?

13 A Yes, it is.

14 MS. MITCHELL: Your Honor, at this time
15 State offers State's 51 after tendering to opposing
16 counsel for his inspection.

17 THE COURT: Okay.

18 MR. POPE: No objections, Judge.

19 THE COURT: Okay. 51 is admitted.

20 Q (BY MS. MITCHELL) Are fingerprints easy to wipe
21 off of an object?

22 A Fingerprint residue is 99 percent water and on a
23 nonporous surface the water sits on top of it so it is
24 very susceptible to being wiped off the surface.

25 Q Is it unusual that you don't find prints or any

1 friction ridge detail on an item?

2 A No.

3 MS. MITCHELL: Pass the witness, Your
4 Honor.

5 THE COURT: Cross?

6 MR. POPE: Just briefly, Judge.

7

8 CROSS EXAMINATION

9 BY MR. POPE:

10 Q Good afternoon, Mr. Miller or Criminalist Miller.
11 What are you actually, you're a criminalist?

12 A Senior police officer.

13 Q Senior police officer. I'm sorry.

14 Did you test any of the blade or just the
15 handle?

16 A I tested the entire object.

17 Q Okay. So, obviously, you didn't find anything on
18 the blade, either, or that would have been indicated in
19 the report?

20 A That is correct.

21 Q Besides prints, do you ever test the knife for
22 anything else?

23 A If a request wasn't made to have DNA collected or
24 trace evidence, we do try to collect DNA and trace
25 evidence prior to us processing it.

1 Q And did you do that in this case?

2 A No, I did not.

3 MR. POPE: No further questions, Judge.

4 THE COURT: All right. Any redirect?

5 MS. MITCHELL: No, Your Honor.

6 THE COURT: All right. Thank you, sir.

7 You may step down.

8 Please call your next witness.

9 MS. MITCHELL: May I step outside and see
10 if my next witness is here?

11 THE COURT: Okay. That's fine.

12 MS. MITCHELL: Judge, may we approach?

13 THE COURT: Yes, ma'am.

14 (Bench)

15 MS. MITCHELL: The doctor isn't here yet.

16 Can I have a few minutes? I will call the doctor later.

17 Thank you.

18 THE COURT: Okay. Thank you.

19 (Open court)

20 MS. MITCHELL: State calls Tiffany

21 Sanders.

22 THE COURT: All right.

23 THE BAILIFF: This witness has not been
24 sworn in, Judge.

25 THE COURT: All right. Thank you. Okay.

1 Come forward, ma'am. Right over this way. Please raise
2 your right hand for me.

3

4 TIFFANY SANDERS,
5 the witness, having first been duly sworn, testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MS. MITCHELL:

9 Q Please introduce yourself to us.

10 A I'm sorry?

11 Q Could you please introduce yourself to us?

12 A I'm Tiffany Sanders.

13 Q And where are you from?

14 A Louisiana.

15 Q How long have you been in Houston?

16 A A long time. Over 20 years.

17 Q Okay. So do you know an individual by the name of
18 Adrian Simon?

19 A Yes.

20 Q How do you know him?

21 A He's my kid's father.

22 Q And how many children do you have with him?

23 A Three.

24 Q And are they girls, boys?

25 A All girls.

1 Q What are their ages?

2 A Twins are 10 and my youngest is 3.

3 Q And do you see Adrian Simon in the courtroom
4 today?

5 A Yes.

6 Q Would you please identify him by an article of
7 clothing he's wearing?

8 A Black shirt.

9 THE COURT: She has identified him.

10 MS. MITCHELL: Thank you.

11 Q (BY MS. MITCHELL) So how long have you known
12 Adrian Simon?

13 A Since September of 2001.

14 Q And I'd like to take your attention to December
15 14th, 2012. Were you dating the defendant at this point?

16 A No.

17 Q Were you separated? Just not dating?

18 A Just not dating.

19 Q Okay. So explain a little bit about the morning
20 of December 14, 2012. Did you go over and see Mr. Simon?

21 A Yes.

22 Q Okay. And how did you get over there? What
23 happened?

24 A In my car. To go get some clothes for my baby.

25 Q Okay. Do you know approximately what time that

1 was?

2 A It was pretty early in the morning. 3:00, 2:00,
3 maybe 1:00.

4 Q So really early?

5 A Yeah.

6 Q Okay. Was that unusual?

7 A I mean, because I was already out, so I just took
8 it upon myself to go get the clothes.

9 Q Okay. Were you working at that time?

10 A I was off that night.

11 Q Okay. When you went to Mr. Simon's house or
12 apartment, what address is that? Do you remember what
13 road it's on?

14 A Beamer and Fuqua.

15 Q Okay. And do you know if that's in Harris County,
16 Texas?

17 A It's Harris County.

18 Q When you arrived, what happened?

19 A I went in, I ate a bowl of cereal, I got the
20 clothes and I was walking out and he went into the
21 kitchen.

22 Q Okay. What happened next?

23 A I heard dishes moving. I didn't think nothing of
24 it. We walked to my car. I got in and he went to the
25 passenger side. I unlocked the door mainly. He got in

1 and he flipped.

2 Q Well, did he say anything to you?

3 A He asked me where I had been.

4 Q And did you tell him?

5 A No. I asked him why was it -- why does it even
6 matter.

7 Q What else did he say?

8 A He put keys on the dashboard to let me know that
9 he had been riding around looking for me. And he showed
10 me a ticket he got on Cullen and Brinkley.

11 Q And was that ticket from that night?

12 A Yes.

13 Q Okay. And what else did he say?

14 A He said he had been to my job. He had been by my
15 mom's house, by my friend's house. And I wasn't nowhere.
16 He was looking for me at.

17 Q Okay. What happened next?

18 A He pulled the -- he had like tucked under his
19 shirt the knife and he put it in his hand and he put it in
20 his hand and he stabbed me in my stomach.

21 Q Okay.

22 A And I reached for my door handle to get out when
23 he grabbed my ponytail, pulled me back in, put me in like
24 a headlock. He was just going (demonstrating).

25 Q Okay. Whenever he put you in the headlock, how

1 was your body positioned?

2 A My door was open, my feet were out the door. My
3 body, top part was basically in his lap.

4 Q And when he started, was he hitting you with the
5 knife?

6 A I thought I was getting punched. I didn't know I
7 was getting stabbed till I got to the hospital.

8 Q Okay. And do you know approximately how many
9 times he struck you with the knife?

10 A It was a lot.

11 Q Okay. Where on your body were you struck?

12 A The upper part basically.

13 Q Okay. So you are pointing to your shoulders?

14 A Up here and my arm, hand, head, my eye.

15 Q Were you stabbed in your eye?

16 A Yes. That was the last strike.

17 Q Did you ever at any point try to get out of the
18 car?

19 A Yeah.

20 Q And what happened?

21 A He had me in the car, in the headlock.

22 Q Did you -- were you ever in the back seat?

23 A Yeah.

24 Q How did you get to the back seat of the car?

25 A He pulled me back there through the driver's seat

1 and the passenger seat.

2 Q Okay. And what happened once you were in the back
3 seat of the car?

4 A Well, before he pulled me to the back seat I was
5 still in the front seat and my legs were in the back seat
6 and he was riding around, going over speed bumps and I'm
7 like "it hurts". So he stopped and he pulled me to the
8 back. And then he rode around some more and then he
9 parked. And left me in the car for I don't know how long.
10 I tried to move to open the door. I couldn't move. And
11 he came back and he was like well, I had to go take a
12 shower and get the blood off of me. Then he asked me what
13 hospital I wanted to go to.

14 Q When he was driving you around and you were going
15 over speed bumps, where was that? Was that in the
16 apartment complex?

17 A Yeah.

18 Q Okay. Do you know approximately how long he drove
19 you around?

20 A Not that long.

21 Q And you stated that you weren't sure how long you
22 were in the back seat whenever he left you alone.

23 A It felt like an eternity. A very long time.

24 Q And when he got back, what did he tell you?

25 A He had to go take a shower and get the blood off

1 of him.

2 Q Did he change clothes?

3 A He had something different. I guess. I don't
4 know.

5 Q When he got back from taking a shower and changing
6 clothes, what happened?

7 A He took me to the hospital.

8 Q Did he tell you anything along the way?

9 A He said I don't know why you make me get this mad
10 at you and do this to you.

11 Q Did he tell you anything else?

12 A He asked me what hospital I wanted to go to. He
13 told me let's keep it confidential.

14 Q Did he tell you to say anything to the hospital
15 staff when you got there?

16 A That I was robbed.

17 Q Were you robbed that night?

18 A No.

19 Q When you got to the hospital, what happened?

20 A He came and opened the back door behind the
21 driver's seat and he tried to get me out; but I guess the
22 way he was trying to get me out was hurting so he went and
23 got the hospital staff and they came and got me out.

24 Q And did he tell anything to the hospital staff
25 about --

1 A He said he found me like that.

2 Q Did you hear him say anything else to the hospital
3 staff?

4 A I don't know what she was doing out that late by
5 herself.

6 Q Did he at any point leave you at the hospital by
7 yourself or with the staff?

8 A To go take my car back to the complex.

9 Q Okay. So the white Oldsmobile, was that your car?

10 A Yeah.

11 Q Do you know what the defendant did with the knife?

12 A He opened my trunk. I heard my trunk open and I
13 heard stuff moving around. So I guess he put it in the
14 trunk.

15 Q Do you -- did you keep a knife in your trunk?

16 A I keep knives at home, not in my trunk.

17 Q So you did not -- you didn't put a knife in your
18 car?

19 A No.

20 Q The injuries to your eye, were you able to see --
21 which eye was it that you were stabbed in?

22 A The right.

23 Q Were you able to see out of your right eye before
24 this incident?

25 A Uh-huh.

1 Q Are you able to see out of your right eye now?

2 A No.

3 Q Do you know if you will ever be able to regain
4 vision in that eye?

5 A I won't be able to.

6 Q I would also like you just to point out to the
7 jury --

8 MS. MITCHELL: May I approach the witness?

9 THE COURT: Of course.

10 Q (BY MS. MITCHELL) I'd like to point out just the
11 scarring that's on your arms. And so right now we're
12 looking at your right forearm. And there is a scar there,
13 right?

14 A Uh-huh.

15 Q Okay. And where are the other scars?

16 A Here. There. There.

17 Q And so just for the record, it's on your right
18 hand above your thumb and then two scars above your ring
19 finger and then a scar on your wrist. Where else on your
20 arms?

21 A Up here.

22 Q Okay. And for the record, this is the left
23 shoulder. There are two scars, one on her bicep.

24 A I have a few under my armpit.

25 Q Okay. And then one that's in the armpit area.

1 And then on your face?

2 A Right here.

3 Q Okay. And that's underneath your left eye?

4 A Uh-huh.

5 Q And then any other scarring?

6 A On my face, cheek.

7 Q That's the right side of your face?

8 A Yeah.

9 Q Okay. Do you know if the defendant ever came back
10 to the hospital?

11 A He came back with his mom and his stepdad.

12 Q And have you had any follow-up surgeries on your
13 eye?

14 A One.

15 Q Are you going to have any further surgeries?

16 A There's nothing else they can do.

17 MS. MITCHELL: Pass the witness, Your
18 Honor.

19 THE COURT: Thank you.

20 Cross?

21 MR. POPE: Yes, Your Honor.

22 THE COURT: Are you okay? There is -- are
23 there some tissues there for her?

24 Okay. Are you ready to proceed, ma'am?

25 THE WITNESS: Yes.

1 THE COURT: Are you sure? I can take a
2 break if you want. No? All right. Let's give it a shot.

3 MR. POPE: Yes, Judge. Thank you, Your
4 Honor.

5
6 CROSS EXAMINATION

7 BY MR. POPE:

8 Q Hi, Ms. Sanders. You remember me, I suppose?

9 A Yeah.

10 Q Now, where were you working at the time that this
11 happened?

12 A In Walmart.

13 Q And you were working an overnight shift?

14 A Overnight stocker.

15 Q But I believe you testified you weren't working
16 that night.

17 A I was off that night.

18 Q So when you said that it wasn't unusual for you to
19 go to Mr. Simon's house at like 2:00 or 3:00 in the
20 morning that was because you worked the night shift
21 usually?

22 A Yeah, and I was out that night.

23 Q What had you been doing that night?

24 A Visiting a friend.

25 Q And you said you went over to get clothes for the

1 baby. Why were the clothes over there?

2 A I sent them over there with them like if they go
3 visit or spend the night.

4 Q And where were you living at the time?

5 A In Third Ward, Texas.

6 Q Like in an apartment or house?

7 A Apartment.

8 Q Were you living by yourself?

9 A Me and my three kids.

10 Q And the two older girls are in school I presume at
11 the time?

12 A Uh-huh.

13 Q And the youngest girl, she was 3 at the time or
14 she was 2 at the time?

15 A 2.

16 Q And was she in daycare or who was taking care of
17 her during the day or when you were at work?

18 A I would.

19 Q So who would watch her at night when you were at
20 work, though?

21 A My mom.

22 Q So on the night that this incident happened, you
23 had gone over there for clothes and you said you had sat
24 down. Do you remember how long you were there in total
25 when you were eating your cereal and talking to him about

1 the clothing and everything?

2 A Maybe an hour.

3 Q And in general, regarding the children at least,
4 did y'all have an amicable relationship as far as taking
5 care of the kids together and things of that nature?

6 A He would come pick them up and take them places.

7 Q And y'all got along okay most of the time?

8 A Uh-huh.

9 Q Is that yes?

10 A Yes.

11 Q And you said that he went into the kitchen and was
12 messing around with the dishes. But you didn't see him
13 get anything when he was in the kitchen?

14 A I just heard utensils moving and stuff.

15 Q Okay. So how many times a week would you see him
16 normally, do you think?

17 A Three, four. Because he might pick up the kids
18 from school and bring them home.

19 Q And obviously in the past y'all had had a sexual
20 relationship.

21 A Uh-huh.

22 Q Had you -- were you having a sexual relationship
23 at this time?

24 A No.

25 Q Not at all? Do you recall when the last time

1 prior to this that y'all had had a sexual relationship?

2 MS. MITCHELL: Objection to relevance.

3 THE COURT: Sustained.

4 Q (BY MR. POPE) Now, when he took you to the
5 hospital, did you see him put the knife in the trunk of
6 the car?

7 A No, I couldn't see anything.

8 Q So you can't be sure what he was doing or anything
9 that was being done?

10 A What would he be doing in my trunk?

11 Q I'm just asking you if you saw anything that he
12 was doing.

13 A No.

14 Q Have you had any contact with him since the
15 incident?

16 MS. MITCHELL: Objection to relevance.

17 THE COURT: Sustained.

18 Q (BY MR. POPE) Have you had any contact with his
19 parents since the incident?

20 MS. MITCHELL: Objection to relevance.

21 THE COURT: It's overruled.

22 Q (BY MR. POPE) I mean have his parents been
23 involved with trying to talk to the children or see the
24 children at all?

25 A His sister would come pick the kids up. But I

1 haven't talked to his mom or stepdad since December of
2 2012.

3 MR. POPE: Nothing further, Your Honor.

4 THE COURT: All right. Thank you.

5 MS. MITCHELL: Just a couple more, Your
6 Honor.

7 THE COURT: Sure.

8 MS. MITCHELL: May I approach the witness?

9 THE COURT: You may.

10

11 REDIRECT EXAMINATION

12 BY MS. MITCHELL:

13 Q Ms. Sanders, I'm showing you what has been
14 premarked as State's Exhibits No. 41, 42, 43 and 44. Do
15 you recognize these?

16 A Yes.

17 Q And what is in 41 and 42?

18 A Me before the stabbing.

19 Q Okay. And then in 43?

20 A In the hospital.

21 Q Okay. And 44.

22 A After.

23 Q That's a photo of you after the incident?

24 A Uh-huh.

25 Q And do they fairly and accurately show you on

1 those dates? That's what you looked like on those dates?

2 A Uh-huh.

3 MS. MITCHELL: Your Honor, at this time
4 the State offers State's Exhibits 41 through 44 after
5 tendering to opposing counsel.

6 MR. POPE: No objection, Judge. I have
7 seen these.

8 THE COURT: All right. They are admitted.

9 MS. MITCHELL: May I publish to the jury?

10 THE COURT: You may.

11 Q (BY MS. MITCHELL) Okay, Ms. Sanders, I'm showing
12 you State's Exhibit No. 41. And you stated this is you
13 before the incident, correct?

14 A Yes.

15 Q State's Exhibit 42, you before the incident?

16 A Yes.

17 Q And State's Exhibit No. 43 you stated this is you
18 in the hospital.

19 A Yes.

20 Q And that on the left is your eye where he stabbed
21 you, correct?

22 A Yes.

23 Q And State's Exhibit No. 44, what are we looking
24 at?

25 A After.

1 Q And this is you after the incident?

2 A Uh-huh.

3 MS. MITCHELL: Pass the witness.

4 THE COURT: All right. Anything further,
5 sir?

6 MR. POPE: Nothing further, Your Honor.

7 THE COURT: All right. Thank you. Let's
8 go ahead and take a quick break right here, Walker.

9 THE BAILIFF: Yes, sir.

10 (Jury out)

11

12 (Jury present)

13 THE COURT: All right, good. Take your
14 seats.

15 State, call your next witness.

16 MS. MITCHELL: State calls Dr. Garvin
17 Davis.

18 THE BAILIFF: Witness needs to be sworn
19 in, Judge.

20 THE COURT: All right. Come forward, sir.

21

22 GARVIN DAVIS,
23 the witness, having first been duly sworn, testified as
24 follows:

25 THE COURT: Take the stand, sir.

1 You may proceed when you're ready.

2 DIRECT EXAMINATION

3 BY MS. MITCHELL:

4 Q Will you please introduce yourself to us?

5 A Hi, my name is Dr. Garvin Davis. I'm a
6 subspecialist in ophthalmology at University of Texas in
7 Houston. I do a subspecialty in ophthalmology called
8 vitreoretinal surgery. And so that typically involves
9 severe eye trauma. I do things like repairing retinal
10 detachment, treating macular degeneration, removing
11 entrapped or foreign bodies, trying to reattach retinas
12 that have been detached.

13 Q And what is your educational background?

14 A So the typical training of a physician is medical
15 school, so after undergraduate I spent four years at Johns
16 Hopkins medical school and then spent a year doing
17 internship on -- at a hospital in Boston associated with
18 Harvard. Then I went to residency which is another
19 three-year program where you have to learn basic
20 ophthalmology and that was in Philadelphia at actually our
21 country's oldest hospital for eye surgery. Then after
22 that I moved to Houston, did a fellowship at Baylor in
23 vitreoretinal surgery. I was on faculty after that for
24 five years at UTMB and then after Ike moved to University
25 of Texas at Houston.

1 Q And how long have you been at University of Texas
2 at Houston?

3 A It will be six years I think, since Ike.

4 Q Did you have a chance to come in contact with a
5 patient named Tiffany Sanders?

6 A I did.

7 Q And when was this?

8 A So I first met her, it was January, 2013. Her
9 initial injuries were in December and so her primary
10 closure was performed by one of my partners and then she
11 was referred to me after that.

12 Q Okay. And what -- I guess what did you initially
13 observe about Ms. Sanders, her eye, whenever you met with
14 her?

15 A Well, when I first met her, her eye was severely
16 damaged. The first thing I did was review the records
17 from her hospital visit; and she was seen by one of our
18 residents, and as I mentioned earlier, Dr. Nicolas Bell
19 who is one of my partners. And what he noticed was that
20 the eye on CT scan was severely deformed and it was clear
21 that it was ruptured. She also had a lid laceration so
22 there was a cut across the eyelid.

23 The eye itself, what we initially tried to do
24 is try to close it; and so they went in on the day of the
25 injury to actually open the skin of the eye and looked for

1 where the white part may have been cut, but it was so
2 posterior that they couldn't quite close that. So they
3 then closed the skin of the eye and referred her to me.

4 The exact date that I first saw her, if you
5 need that, I think it was -- I'll have to look through the
6 records here, if that's important.

7 The surgery was on -- the initial surgery was
8 on February -- I'm sorry, it was on December 15, 2012.
9 And then on the 24th of December she saw one of my other
10 partners. It was around the Christmas time so everyone
11 wasn't around. And then I saw her for the first time on
12 January 8th, 2013.

13 Q Okay. And did you have a chance to perform any
14 surgery on her eye?

15 A I did. So during the initial surgery they looked
16 at the outside of the eye but they didn't actually go
17 inside of the eye and so we were hoping that even though
18 the eye was severely deformed, perhaps, once we removed
19 all the blood from the center of the eye -- the eye is
20 like a camera so the light comes in and gets focused by
21 the front part of the eye and then there is a space called
22 the vitreous where I spend a lot of my time operating.
23 And sometimes if we can remove the blood, then we can
24 either place the film of the eye which is the retina back
25 onto the back of the eyeball or if -- in extremely

1 fortunate cases we can remove the blood and the retina
2 will not be detached and sometimes we can recover vision
3 that way. But in her particular case during my surgery
4 once I removed all the blood in the eye and was able to
5 see the retina, the retina was completely detached. It's
6 a very specialized fine tissue probably about 500 microns
7 in thickness and it was all balled into a little tissue
8 paper like ball that I couldn't -- I tried probably for an
9 hour, hour and a half to try to straighten the retina and
10 lie it back against the eyeball but I could not do that.

11 Q Okay. So was her surgery, would you consider that
12 a success or was it unsuccessful?

13 A It was unsuccessful.

14 Q And did she have vision loss in that eye?

15 A Yes, so on initial presentation her vision -- so
16 the use of 20-20 which means you see at 20 feet what the
17 average person can see from 20 feet away. When we start
18 getting to lower and lower measurements of vision we fall
19 off the eye chart. And then we start assessing whether a
20 patient can see fingers from a distance or whether they
21 can see a hand moving in front of her face or whether she
22 can see light or no light. And so on initial presentation
23 she could not see -- she was light perception. After the
24 surgery she was hand motion but quickly lost that and so
25 she is light perception in that eye. She can only see

1 light. I don't know if you notice, but the eye is
2 actually -- once you suffer volume loss, the eye also can
3 start to shrink. So if you may have noticed, her injured
4 eye is actually smaller than the other eye.

5 Q And what is light perception?

6 A Light perception means if we take a really bright
7 light and shine it directly in your eye you can actually
8 identify that the light is on and off. And then we have
9 like light perception with projection meaning you can tell
10 whether the light is coming from the right or coming from
11 the left or coming straight at you. And she is just light
12 perception without telling -- without being able to tell
13 which direction it's coming from.

14 Q Will she ever be able to regain vision in that
15 eye?

16 A No.

17 Q Would any further surgeries help that situation?

18 A Wouldn't restore vision. I mean, we can make her
19 cosmetically look better.

20 Q But as far as restoring any vision?

21 A No.

22 Q Okay.

23 MS. MITCHELL: Pass the witness, Your
24 Honor.

25 THE COURT: Cross?

1 MR. POPE: I have no questions, Your
2 Honor.

3 THE COURT: All right. Thank you, sir.
4 Thank you, doctor. That's it.

5 MS. MITCHELL: Your Honor, at this time
6 the State of Texas rests.

7 THE COURT: All right. Thank you very
8 much. Okay.

9 You are excused, sir.

10 All right. The State of Texas rests. Let's
11 go ahead and I'm going to excuse you back to the jury room
12 again. And then when you come back I'll have further
13 instructions for you.

14 This break will probably be a little longer.

15 (Jury out)

16 THE COURT: Let's go ahead. I know that
17 you have some stuff you want to put on the record. Let's
18 go from there. Do you need to talk to your client in
19 private before we go forward?

20 MR. POPE: No, I have talked to him.

21 Is there anything we need to talk about before
22 we go on record?

23 THE DEFENDANT: No.

24 MR. POPE: Mr. Simon, Ms. Gonzales and I
25 talked to you in the back regarding the possibility or the

1 necessity or the need or the desire for you to testify; is
2 that correct?

3 THE DEFENDANT: Right, correct.

4 MR. POPE: And we both went over with you
5 the risks and the potential rewards, if any, of you
6 testifying. Do you remember talking about this?

7 THE DEFENDANT: Right.

8 MR. POPE: And after speaking with you,
9 it's my belief, I think that -- am I correct in assessing
10 that you do not wish to testify on your behalf and we will
11 not put on a case from this point forward; is that
12 correct?

13 THE DEFENDANT: Correct.

14 THE COURT: All right. He is also aware
15 of his Fifth Amendment right, and that means that this
16 jury will be instructed that they cannot take your silence
17 as any consequence against you. You understand that, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And that will be one of the
20 instructions that they are given?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. You can have a
23 seat.

24 MR. POPE: Thank you, Judge.

25 THE COURT: Okay. At this point then

1 should we prepare a charge?

2 MR. POPE: Yes, Judge. I'll have no case.
3 When they come back in we'll rest and then we can go
4 directly into the charge.

5 THE COURT: Okay. All right. So we're
6 preparing a charge. Going to take a minute. My standard
7 is 20 minutes a side, and I think you know that's going to
8 be plenty here. Then what we'll do in the charge, it's
9 going to be, of course, serious bodily injury, aggravated
10 assault, serious bodily injury of a family member. And we
11 will take out -- and they will have the instruction for
12 Fifth Amendment and I did not -- or there was a motion in
13 limine. Of course, there was a slip, but I don't think,
14 you know, it has any consequence at all. I don't think
15 the jury should be instructed in any way since I have
16 already instructed them to disregard that slip. I think
17 to put anything in there would just draw some attention of
18 some kind.

19 MR. POPE: I agree, Judge.

20 THE COURT: Okay. So that was
21 unfortunate, but again, it was not intentional, it was
22 accidental and I believe it was corrected.

23 So can you think of anything else?

24 MS. MITCHELL: I don't think so. I think
25 it's pretty straightforward.

1 THE COURT: Yeah. There is no -- there
2 was no testimony about intoxication or anything like that.

3 MS. MITCHELL: No defensive issues,
4 nothing.

5 THE COURT: Okay?

6 MR. POPE: Nothing.

7 THE COURT: Very good. Then we'll wait
8 and we will see how long it takes us to get that charge
9 prepared.

10 Walker, will you take the defendant to the
11 back?

12 (Court in recess)

13
14 THE COURT: All right. Let me ask the
15 State first and have you had a chance to review the
16 charge?

17 MS. MITCHELL: I have, Your Honor. And I
18 don't have any objections to the charge.

19 THE COURT: Okay. And I tell you I
20 reviewed the charge and it looks fine to me. I don't see
21 any reason not to go forward on this charge. Let's see
22 what the defense says.

23 Okay. Do you have any objection to the
24 charge?

25 MR. POPE: No, Judge.

1 THE COURT: Okay. All right. Mr. Simon,
2 this is what we're going to do. I'm going to bring the
3 jury back in. When the jury comes back in I'll ask what
4 say the defense. Of course, I'll give him an instruction,
5 then I'll ask your attorney what say the defense. At that
6 time, he will rest. And then both sides will close. And
7 then after that, I'll read the charge and give the lawyers
8 a few minutes to give a closing statement. My standard
9 time limit is 20 minutes. Even though this is a very
10 short trial, it is serious so I will give you guys more
11 than enough time to argue the case. I will give you a
12 two-minute warning and then wrap it up means your time is
13 done in that 20 minutes. If you guys use 20 minutes, then
14 you are just on a revolving tape that goes on and on and
15 on, okay?

16 All right. Any questions, lawyers? You're
17 good?

18 MS. MITCHELL: Yes.

19 THE COURT: All right. Then I'm going to
20 bring the jury in.

21 (Jury present)

22 THE COURT: All right. Thank you. Take
23 your seats. Okay, ladies and gentlemen, when you left the
24 State had rested their case. As you know, the defense has
25 no burden of proof, and no obligation to put on any

1 evidence at all. But what say the defense?

2 MR. POPE: Defense rests at this time,
3 Your Honor.

4 THE COURT: All right. The defense rests
5 as well.

6 Okay. Both sides rest and close then?

7 MS. MITCHELL: Yes, Your Honor.

8 THE COURT: Very good. Now, this is the
9 way we're going to proceed. I'm going to -- I have
10 prepared a jury charge. The jury charge contains the law
11 that applies to this case. I'm required to read the jury
12 charge to you. But you will get a copy of this charge to
13 take back with you to guide you in your deliberations.
14 All right?

15 After I read the charge, I'm going to give the
16 lawyers an opportunity to give closing statements. All
17 right, or closing argument. They can argue reasonable
18 inferences from the evidence that was presented to you.
19 All right? And I have given them a time limit on how long
20 they can argue.

21 So listen up. I'll go through this as quickly
22 as possible, but remember you will get a copy of it to
23 take back with you.

24 (Charge read)

25 THE COURT: At this time, State, you have

1 the burden of proof. You may proceed if you would like.

2 MS. MITCHELL: State waives the right to
3 open, reserves its right to close.

4 THE COURT: What say the defense?

5 MR. POPE: Defense will go right now,
6 Judge. Thank you.

7 Ladies and gentlemen, the Judge went through
8 the charge, but there is just a couple of things I want to
9 talk to y'all about briefly.

10 One of the things that we talked about more
11 than once in voir dire, all of us, the Judge, the
12 prosecutor and myself, was the defendant's constitutional
13 rights. And you will find those all on this one page,
14 really. Noting that you can't hold the defendant's
15 silence against him. You can't even talk about it at all.
16 You can't even consider it in any shape or form when
17 you're back there deliberating the case. The presumption
18 of innocence is also in here. One thing I want to talk to
19 you about briefly is this paragraph here which you will
20 see on the third to the last page. Right before the
21 judge's signature page.

22 Says that: In the event you have reasonable
23 doubt as to the defendant's guilt after considering all
24 the evidence before you and these instructions you will
25 acquit him and say by your verdict not guilty.

1 And what I wanted to talk to you briefly about
2 is simply some of the loose ends that I want you to
3 consider in this case. You heard the plaintiff testify as
4 to what she -- as to what happened from her point of view.
5 And you heard the officers talk about the things that they
6 did in the case. One of the things I want you to remember
7 is you heard a lot of testimony about some things that
8 never really materialized. The surveillance video that
9 they watched. The officers said they watched that at the
10 hospital but they weren't able to get a copy of it. Now,
11 they said they could have if they wanted to but they just
12 didn't, right? And the officer's testimony is certainly
13 evidence, but I certainly would have liked to have seen
14 what was on that video. You know, what was actually
15 portrayed, what car, who it was, if we are able to
16 identify the people that were on the video.

17 And the other thing that I want you to think
18 about when you're back there regarding evidence is the
19 knife itself. Now, the State put this knife into evidence
20 and they showed you some pictures of it. But there wasn't
21 any testimony that connected that knife to the defendant
22 in any way.

23 Ms. Sanders, the complainant, testified that
24 she thinks she heard him in the kitchen doing something
25 and she thinks she heard him in the trunk doing something;

1 but she can't identify that actual knife that did it,
2 right? She can't say this is the knife that was used
3 against me. And I find it difficult to believe that there
4 is -- that this incident happened and then she was
5 immediately brought to the hospital by the defendant, is
6 what she testified to, and that there is no DNA or
7 fingerprints on this knife at all. And you would think
8 that there would be.

9 I mean, you heard some testimony that they are
10 easily wiped off or they can be easily wiped off; but you
11 saw the pictures of that car and the inside of the car and
12 certainly the clothes that she came to the hospital in,
13 and there was blood all over that. And if this is the
14 knife that they allege was used, I would expect there to
15 be blood on that.

16 And the other thing I want you to consider
17 when you're considering this case is that there aren't any
18 clothes of the defendant's. And the officer testified
19 that he went and looked around the defendant's parents'
20 house where he said he went and where the complainant says
21 she was earlier that night, but they didn't find anything.
22 They didn't find any clothes. They didn't find a knife.
23 They didn't find any blood. They didn't find anything at
24 all. And he went very close in time to when this incident
25 occurred. You would expect there to be something or some

1 evidence that connects the defendant other than testimony.

2 And I'll submit to you that where it says in
3 the charge that you need to consider all the evidence
4 before you, I'd submit to you, you can't do that in this
5 case because you don't have all the evidence that you
6 need, all right? You can consider some of the evidence in
7 this case, but there is a lot of evidence out there that I
8 feel that you need in order to find the defendant guilty.

9 So I would respectfully submit to you that you
10 need to think about the things you don't have and think
11 about reasonable doubt in this case in light of what they
12 could have brought you and should have brought you but
13 didn't bring you.

14 Thank you.

15 THE COURT: Thank you, sir. What say the
16 State?

17 MS. MITCHELL: On December 14, 2012,
18 Tiffany Sanders' life changed forever. And it changed
19 because of that man. Her life changed because he couldn't
20 have something that he wanted, which was her. It changed
21 because he was jealous. He wanted to know where she was
22 and she told him that she wasn't going to answer any more
23 of his questions. So he then gets a knife out of the
24 kitchen, goes to her car, puts it in his shirt, hides it
25 from her and stabs her whenever she won't answer his

1 question. When she tries to get out of that car he then
2 pulls her back in by her ponytail, puts her in a choke
3 hold and continues to stab her in the head and the
4 shoulders and then her eye.

5 I think what's most disconcerting to me is he
6 had time to think about this. He knew exactly what he was
7 doing, when he went in that kitchen and when he went and
8 got that knife and he went out to that car. He had time
9 to think about what he was going to do. Not that he
10 planned it for two hours but he knew exactly what he was
11 going to do when he put that knife in his shirt and went
12 to the car.

13 Then he puts her in the back seat after she
14 has been stabbed multiple, multiple times, drives around
15 the apartment complex. Goes over speed bumps; she tells
16 him it's hurting. Then he parks, goes inside, takes a
17 shower and cleans up so he can take her to the hospital.
18 How diabolical is that. That he showers before he takes
19 her to the hospital.

20 Then he takes her to the hospital and wants to
21 tell everybody that she's robbed. Tells her to tell
22 everybody that she's been robbed and that he just found
23 her like that. How awful is that?

24 Tiffany is a survivor. And she told the
25 medical staff that you know what, I wasn't robbed, it was

1 him, he's the one that did it. They put the hospital on
2 lockdown and they weren't allowed to -- he wasn't allowed
3 to go back and see her when he came back to the hospital
4 with his parents.

5 Now, I want you to take all the evidence back
6 and take a look at it. You can take the medical records
7 back. You can take whatever you want back there. And I
8 want you to look at the body chart that I put on the
9 screen earlier. And in that chart, you will see all of
10 the lacerations and the stab wounds that were documented
11 by the medical staff there and the medical staff
12 calculated about 29 stab wounds to Tiffany's body. And
13 you can take the clothes back if you would like. But
14 you've seen it. You have seen the puncture wounds in her
15 clothing.

16 And just to think how angry he must have been
17 to have stabbed someone 29 times, just the force required
18 to do that, to keep going and then stab the one who you're
19 supposed to love and get along with for your kids' sake
20 and stab her in the eye. I don't think there is any
21 reasonable doubt here. I think that we know what
22 happened. The defendant knows what happened.

23 We've heard testimony from the doctor that she
24 is never going to regain vision in her eye. And he broke
25 up with her because she wouldn't answer his questions.

1 I understand the case is really short and I'm
2 sure you guys are probably expecting something that was
3 long, a few days long; but sometimes it's just what we
4 have and sometimes cases get tried faster than we
5 expected. Doesn't mean that he's not guilty. Just means
6 that it gets tried a little bit faster.

7 And as far as any sort of reasonable doubt
8 that defense counsel pointed out, he pointed out there was
9 a lack of a surveillance video. What does that mean?
10 Just means we don't have a surveillance video. Doesn't
11 mean he didn't do it. Just means we don't have a
12 surveillance video.

13 Would it have been nice? Sure. Sometimes
14 things are a little bit more difficult to get ahold of and
15 a lot of red tape goes around that.

16 As far as her linking the knife to him,
17 someone who takes the time to drive around an apartment
18 complex then stops and gets in, goes to his apartment,
19 takes a shower, cleans up before he takes someone to the
20 hospital, I think he probably had a lot of time to clean
21 up that weapon. Why wouldn't he? He's cleaned up
22 everything else so why not the knife?

23 She heard him in her trunk. She heard him
24 moving things around and, lo and behold, that's where the
25 knife was ultimately found. She didn't tell the officers

1 about that. Quite aware it could have been, it was found
2 there.

3 Some people need to be forced to take
4 responsibility, and Adrian Simon is one of those people.
5 And I like to think of law enforcement in three different
6 parts. They are the police who patrol, keep us safe,
7 arrest those who need to be arrested. Then there is the
8 DA's office who prosecute people. And last thing, we have
9 the juries. And the juries are the only group of the law
10 enforcement triangle that can completely hold people
11 responsible.

12 Police can arrest all day, I can prosecute all
13 day, but when it comes down to it, only you guys are the
14 people who can hold the defendant responsible for what
15 he's done. And in this case I ask that you find the
16 defendant guilty.

17 THE COURT: All right. Thank you, ma'am.

18 Okay, ladies and gentlemen, that concludes the
19 arguments. What I'm going to do now is I'm going to give
20 you a copy of the charge, Deputy Jackson going to take you
21 back to the jury room. When you go back to the jury room,
22 you will begin your deliberations.

23 The charge has instructions for you that is
24 your guide. But what I have to remind you again on the
25 issue of deliberations, remember you can never separate

1 when you deliberate. Okay. What that means is if one of
2 you needs to take a break, then everybody has to take a
3 break. You just stop talking about the case. You only
4 discuss the case when all 12 of you are together, that
5 body, that's my jury. So the jury can only deliberate
6 when all 12 of you are together. All right?

7 Deputy Jackson. Take them, sir.

8 (Jury out)

9 THE COURT: All right. Thank you. You
10 may take your seats. We will give them time to deliberate
11 and you can go ahead and take the defendant to the back.

12 (Court in recess)

13
14
15
16
17
18
19
20
21
22
23
24
25

1 V E R D I C T

2

3 THE COURT: All right. All right. Sir,
4 you are the foreman of the jury?

5 THE FOREPERSON: Yes, Your Honor.

6 THE COURT: Okay. You can take your
7 seats. Has your jury reached a unanimous verdict?

8 THE FOREPERSON: Yes, we have.

9 THE COURT: Would you please hand me the
10 verdict sheet, I will read it.

11 Okay. Please stand. After the verdict, after
12 I read the verdict what I'll do is I'll start with the
13 foreman, I'll ask you is this your verdict and then you
14 will respond, you know, yes or no, whatever it might be.
15 And then I will just go down the line and ask each one,
16 okay?

17 All right. In Cause No. 1406854 we the jury
18 find the defendant Adrian Simon guilty of aggravated
19 assault of a family member as charged in the indictment.

20 All right, sir, is this your verdict?

21 THE FOREPERSON: Yes.

22 JUROR: Yes.

23 JUROR: Yes.

24 JUROR: Yes.

25 JUROR: Yes.

1 JUROR: Yes.

2 JUROR: Yes.

3 JUROR: Yes.

4 JUROR: Yes.

5 JUROR: Yes.

6 JUROR: Yes.

7 JUROR: Yes.

8 THE COURT: Okay. The record will reflect
9 a unanimous verdict. You may have a seat.

10 Okay, ladies and gentlemen, having found the
11 defendant guilty we now have to proceed to a punishment
12 hearing. We'll start that tomorrow morning. So we'll
13 finish up today, okay?

14 Again, this still applies, you can't discuss
15 the case or anything like that. Tomorrow we will have a
16 punishment hearing and then you will resolve the issue of
17 punishment. What's the appropriate punishment in the
18 case. All right. So we'll start that tomorrow morning.
19 Okay?

20 Deputy Walker. We will see you in the
21 morning. Remember you can't talk about the case yet.
22 Thank you.

23 (Jury out)

24 THE COURT: Take your seats. Okay. We
25 will start the hearing tomorrow morning at 9:00 o'clock.

1 Are there any -- there is a question of enhancement
2 paragraphs. Okay. Are you -- is there going to be a
3 stipulation? There is?

4 MS. MITCHELL: Yes, sir, and we have it
5 signed already. I don't know if you want to go ahead and
6 sign it today.

7 THE COURT: Yes, we will do that today and
8 that way I will have a charge stipulated.

9 MS. MITCHELL: And he will just need to be
10 sworn to it.

11 THE COURT: Yes.

12 (Defendant sworn)

13 THE COURT: Let me ask you, did you go
14 through the stipulation with your lawyer?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. And you understand in
17 stipulating, that you understand that in stipulating you
18 are essentially you are pleading true to the enhancement
19 paragraphs 1 and 2. Those enhancements, in those
20 enhancements you plead true to December 4th, 1997 Cause
21 No. 7533136 in the 185th and true to the conviction June
22 2005 Cause No. 1025550 in the 182nd. You understand the
23 stipulation requires you to plead true?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. I am going to find

1 that he knowingly entered into the stipulation, and I will
2 accept it. All right. Thank you.

3 Okay. All right, we will pick up tomorrow
4 morning.

5

6 (Court in recess).

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE STATE OF TEXAS

2 COUNTY OF HARRIS

3 I, LaVearn Ivey, Court Reporter
4 in and for the 228th District Court of Harris County,
5 State of Texas, do hereby certify that the above and
6 foregoing contains a true and correct transcription of
7 all portions of evidence and other proceedings
8 requested in writing by counsel for the parties to be
9 included in this volume of the Reporter's Record in
10 the above-styled and -numbered cause, all of which
11 occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's
14 Record of the proceedings truly and correctly reflects
15 the exhibits, if any, admitted by the respective
16 parties.

17
18 WITNESS MY OFFICIAL HAND this the 10th day
19 of June, 2014.

20 /s/ LaVearn Ivey _____
21 LaVEARN IVEY, Texas CSR No. 822
22 Expiration date: 12-31-14
23 Court Reporter
24 8831 Bedworth Ln.
25 Houston, Texas 77088
(281) 820.0805